TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No. **ITL.0075US**

In Re Application Of: **James P. Ketrenos**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/153,369	September 15,1998	Hunter B. Lonsberry	21906	2611	5432

Invention: **Maintaining Access to a Video Stack after an Application Crash**

COMMISSIONER FOR PATENTS:

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Dated: **May 17, 2006**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: James P. Ketrenos	§	Art Unit:	2611
Serial No.: 09/153,369	§	Examiner:	Hunter B. Lonsberry
Filed: September 15, 1998	§	Atty Docket:	ITL.0075US (P6261)
For: Maintaining Access to a Video Stack After an Application Crash	§	Assignee:	Intel Corporation

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APPEAL BRIEF

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Date of Deposit: May 17, 2006
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Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-3 (Rejected).

Claims 4-5 (Canceled).

Claims 6-15 (Rejected).

Claims 16-17 (Canceled).

Claims 18-33 (Rejected).

Claim 34 (Canceled).

Claims 35-37 (Rejected).

Claims 1-2, 6-9, 11-14, 18-21, 23-33, and 35-37 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 calls for monitoring to detect if a first application that requested video crashes while receiving video. It also calls for maintaining access to a video stream for a second application after the crash. Finally it calls for shutting down a television capture card when a crash is detected.

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method for accessing a video stream comprising:

when a first application requests video, initializing the video stream from a video server (Figure 2, block 38, specification at page 4, lines 15-17);

providing the video stream for the first application (Figure 2, block 40, specification at page 4, lines 17-18);

monitoring to detect if the first application crashes while receiving the video stream (Figure 2, diamond 42, specification at page lines 19-26);

if the first application crashes, maintaining access to the video stream for a second application through the video server (specification at page 5, lines 5-13); and

shutting down a television capture card when a crash is detected (Figure 2, block 50, specification at page 4, lines 26-28).

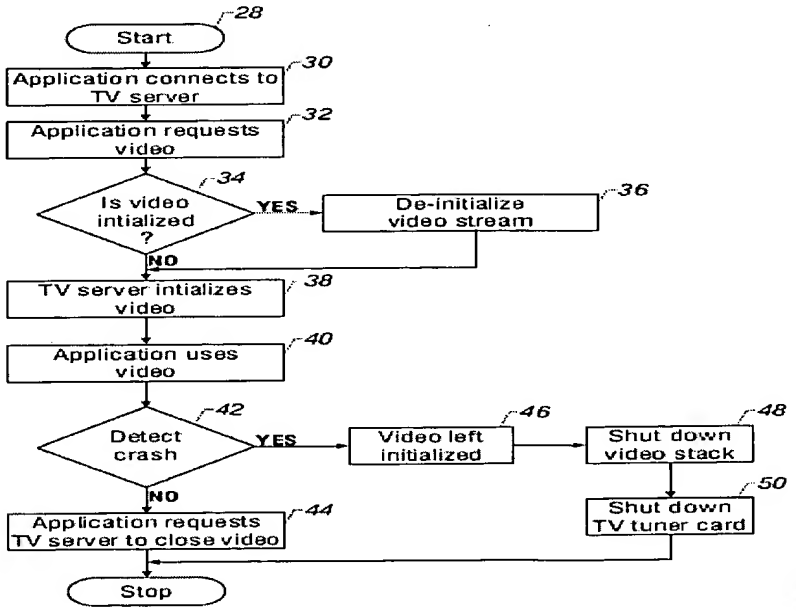

FIG. 2

9. A method for accessing a television video stream comprising:

connecting an application needing video services to a television server using a window which operates in a separate address space from the application;

monitoring to determine if the application crashes while receiving the video stream; and

when the application crashes, automatically shutting down a video stack and a video capture card.

13. An article comprising a medium for storing instructions that, if executed, enable a computer to:

when a first application requests video, initialize a video stream using a video server (Figure 2, block 38, specification at page 4, lines 15-17);

provide the video stream for the first application (Figure 2, block 40, specification at page 4, lines 17-18);

monitor to detect if the first application crashes while receiving the video stream (Figure 2, diamond 42, specification at page lines 19-26);

if the first application crashes, maintain access to the video stream for a second application through the video server (specification at page 5, lines 5-13); and

shut down a television capture card when a crash is detected (Figure 2, block 50, specification at page 4, lines 26-28).

21. An article comprising a medium for storing instructions for causing a computer to:

connect an application needing video services to a television server using a window which operated in a separate address space from the application;

monitor to determine if the application crashes while receiving a video stream; and

when the application crashes, automatically shut down a video stack and a video capture card.

25. A computer system comprising:

a processor (52, Figure 3);

a television tuner card coupled to a processor (62, Figure 3);

a memory (56, Figure 3) coupled to said processor storing programs which cause a computer to:

connect an application needing video service to a television server using a window which operates in a separate address space from the application (specification at page 3, line 29 to page 4, line 6);

monitor to determine if the application crashes while receiving the video stream (42, Figure 2, specification at page 4, lines 19-26); and

when the application crashes, automatically shut down a video stack and the video capture card (Figure 2, 48, 50, specification at page 4, lines 26-28).

26. A method of accessing a video stream comprising:

when a first application requests video, initializing a video stream using a video server (specification at page 3, line 29 to page 4, line 6); and

if the first application crashes, maintaining access to the video stream for a second application through the video server and shutting down a television capture card (specification at page 5, lines 5-13).

28. A method for accessing video stream comprising:

in response to a request for video from a first application, initializing a video stream using a video server (Figure 2, blocks 32-38); and

if the first application crashes, maintaining access to the video stream for a second application through the video server and directing the server to release the video stack (specification at page 5, lines 5-13).

30. An article comprising a medium storing instructions that, if executed, enable a computer to:

in response to a request for video from a first application, initialize a video stream using a video server (Figure 2, blocks 32-38); and

if the first application crashes, maintain access to the video stream for a second application through the video server and shut down a television capture card (specification at page 5, lines 5-13).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 1-2, 6, 8-9, 12-14, 18, 20, 26, and 30-32 unpatentable over Semenzato in view of Reinhardt and Hullinger?

B. Are claims 28-29 and 35 unpatentable over Semenzato in view of Bopardikar?

C. Are claims 7, 11, 19-21, 23-25, 27, 33, and 36-37 unpatentable over Semenzato in view of Reinhardt and Hullinger in further view of Bopardikar?

ARGUMENT

A. Are claims 1-2, 6, 8-9, 12-14, 18, 20, 26, and 30-32 unpatentable over Semenzato in view of Reinhardt and Hullinger?

Claim 1 calls for monitoring to detect if a first application that requested video crashes while receiving video. It also calls for maintaining access to a video stream for a second application after the crash. Finally it calls for shutting down a television capture card when a crash is detected.

While the Applicant does not accept the definition of "crash" set forth in the office action, that definition does call for a computer failure where the computer itself stops working or a program aborts unexpectedly.

It is suggested that Reinhardt teaches an element which is not taught in the other cited references. Thus, to the extent that the Applicant shows Reinhardt fails to teach what it is cited as teaching, the Applicant is addressing the references individually. When a reference is cited for a specific item, and that reference does not show that item, then the combination of references fails to make out a *prima facie* rejection. Here, it is conceded that all of the references, except Reinhardt, fail to teach "shutting down a capture board, which is a computer peripheral, in response to detecting a crash." Thus, if Reinhardt does not teach this, a *prima facie* rejection is not made out.

Reinhardt teaches a clean room system. That clean room includes a number of stands. See Reinhardt at column 3, lines 37-42. Thus, the failure that is detected in Reinhardt is filter fans in a clean room. The assertion that the failure of these fans to operate correctly amounts to a computer crash fails to meet any accepted definition of what is a crash and fails to meet the definition set forth in the office action. The failure of the filter is not the failure of a computer peripheral or the computer. It is the failure of a fan being monitored by a computer-type device. The fact that the computer shuts off the fan which it is monitoring is not shutting down a video capture board by any stretch of anyone's imagination, and it is not the shutting down of a computer peripheral by any reasonable definition.

The assertion that a cooling fan is a peripheral device is, quite frankly, a stretch beyond all reasonable bounds. The assertion that the computer shuts off power to the device to prevent

further damage is noted, but this certainly does not teach shutting off power to a capture card for the reasons set forth in the present application. One skilled in the art would get nothing out of a teaching that a fan that has a mechanical failure should be shut off to prevent damage.

In Reinhardt, no crash is detected. A fan, which is being monitored by the computer, has a mechanical failure and that failure is detected and the fan may be shut down. But that failure does not amount to a computer system crash. Moreover, the fan cannot in any way be called a television capture card or anything comparable thereto.

In short, the cited reference is irrelevant to the claimed invention. Therefore, a *prima facie* rejection is not made out with respect to claim 1.

Claim 6 calls for maintaining access to the video stream including operating the video stream in a separate address space from the first application. In other words, separate address spaces are provided for the video stream separate from the first application so that when the first application crashes, access can be maintained. Semenzato does not even teach using a first application that crashes and then maintaining access to the video stream thereafter. Moreover, there is no discussion whatsoever of using different address spaces for these two items. The fact that various memories may be utilized is noted, but it is not clear that there is any separate memory utilized for the video stream and any first application. Moreover there is no suggestion that the video stream does not use any address space associated with one memory and the application does not use any address space of any memory associated with the video stream. The fact that there is more than one memory is simply not enough to make out the obviousness of claim 6.

Therefore the rejection should be reversed.

Claim 8 calls for using a second application software to access a server and server software to access the video stack. Nothing of the sort is shown in the cited material in Semenzato. The suggestion is that Semezato inherently contains software for accessing the video stack. But that is not the test. The test is whether software in the second application accesses the server and then software in the server accesses the video stack. It is not inherent because the reference could use the second application to access the video stack directly.

Therefore the rejection of claim 8 should be reversed.

Claim 32 is even more specific, calling for a first window in the second application for accessing the television server and a second window in the server for accessing the video stack. Nothing of the sort can anywhere be found in the cited reference.

Therefore the rejection of claim 32 should also be reversed.

B. Are claims 28-29 and 35 unpatentable over Semenzato in view of Bopardikar?

Claim 28 calls for directing a server to release the video stack if the first application crashes.

It is conceded that Semenzato does nothing of the sort. See Final Rejection at page 12, third line. It is somehow suggested that Bopardikar solves this problem, but most certainly Bopardikar has nothing to do with a video stack. All that Bopardikar involves is a situation where a disk stripe is bad. The disk stripe may be taken out of service.

There is no video stack, there is no video server, and there is no relationship to anything claimed in Bopardikar. The failure in the case of Bopardikar is the failure of a disk stripe, not a crash. No one skilled in the art would ever see any connection between Semenzato and Bopardikar much less a solution to the problem that Semenzato was unable to solve.

Therefore the rejection of claim 28 should be reversed.

C. Are claims 7, 11, 19-21, 23-25, 27, 33, and 36-37 unpatentable over Semenzato in view of Reinhardt and Hullinger in further view of Bopardikar?

Claim 7 calls for directing the server to release the video stack when a crash is detected.

It is conceded that Semezato, Reinhardt, and Hullinger disclose no such thing. Somehow it is suggested Bopardikar teaches such a thing. For the reasons set forth in the section above, it is respectfully submitted that Bopardikar not only does not teach this element but teaches nothing even remotely similar.

Therefore the rejections of claim 7 should be reversed.

For similar reasons, the other claims within this group should also be allowed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: May 17, 2006

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CLAIMS APPENDIX

The claims on appeal are:

1. A method for accessing a video stream comprising:

when a first application requests video, initializing the video stream from a video server;

providing the video stream for the first application;

monitoring to detect if the first application crashes while receiving the video stream;

if the first application crashes, maintaining access to the video stream for a second application through the video server; and

shutting down a television capture card when a crash is detected.

2. The method of claim 1 including detecting when the first application crashes.

3. The method of claim 2 wherein detecting when the first application crashes includes detecting when the first application crashes by monitoring an exception handler.

6. The method of claim 1, wherein maintaining access to the video stream includes operating said video stream in a separate address space from the first application.

7. The method of claim 1 wherein when a crash is detected, directing the server to release the video stack.

8. The method of claim 1, wherein maintaining access to the video stream includes using software in the second application for accessing said server and software in said server for accessing the video stack.

9. A method for accessing a television video stream comprising:

connecting an application needing video services to a television server using a window which operates in a separate address space from the application;

monitoring to determine if the application crashes while receiving the video stream; and

when the application crashes, automatically shutting down a video stack and a video capture card.

10. The method of claim 9 including detecting when the application crashes by monitoring an exception handler.

11. The method of claim 9 wherein when a crash is detected, directing the television server to release the video stack.

12. The method of claim 9 including operating a first window in the application for accessing the television server and a second window in said server for accessing the video stack.

13. An article comprising a medium for storing instructions that, if executed, enable a computer to:

when a first application requests video, initialize a video stream using a video server;

provide the video stream for the first application;

monitor to detect if the first application crashes while receiving the video stream;

if the first application crashes, maintain access to the video stream for a second application through the video server; and

shut down a television capture card when a crash is detected.

14. The article of claim 13 including instructions for causing the computer to detect when the first application crashes.

15. The article of claim 14 further including instructions for causing the computer to detect when the first application crashes by monitoring an exception handler.

18. The article of claim 13 including instructions for causing the computer to operate said video stream in a separate address space from the application.

19. The article of claim 13 including instructions for causing the computer to direct the television server to release a video stack when a crash is detected.

20. The article of claim 13 including instructions for causing the computer to operate a first window in the application for accessing the television server and a second window in said server for accessing a video stack.

21. An article comprising a medium for storing instructions for causing a computer to:

connect an application needing video services to a television server using a window which operated in a separate address space from the application;

monitor to determine if the application crashes while receiving a video stream; and

when the application crashes, automatically shut down a video stack and a video capture card.

22. The article of claim 21 including instructions for causing the computer to detect when the application crashes by monitoring an exception handler.

23. The article of claim 21 including instructions for causing the computer to direct the television server to release the video stack when a crash is detected.

24. The article of claim 21 including instructions for causing the computer to operate a first window in the application for accessing the server and a second window in said server for accessing the video stream.

25. A computer system comprising:

a processor;

a television tuner card coupled to a processor;

a memory coupled to said processor storing programs which cause a computer to:

connect an application needing video service to a television server using a window which operates in a separate address space from the application;

monitor to determine if the application crashes while receiving the video stream; and

when the application crashes, automatically shut down a video stack and the video capture card.

26. A method of accessing a video stream comprising:

when a first application requests video, initializing a video stream using a video server; and

if the first application crashes, maintaining access to the video stream for a second application through the video server and shutting down a television capture card.

27. The method of claim 26 including directing the server to release the video stack after a crash is detected.

28. A method for accessing video stream comprising:

in response to a request for video from a first application, initializing a video stream using a video server; and

if the first application crashes, maintaining access to the video stream for a second application through the video server and directing the server to release the video stack.

29. The method of claim 28 including shutting down the video stack in response to the detection of a crash.

30. An article comprising a medium storing instructions that, if executed, enable a computer to:

in response to a request for video from a first application, initialize a video stream using a video server; and

if the first application crashes, maintain access to the video stream for a second application through the video server and shut down a television capture card.

31. The article of claim 30 further storing instructions that, if executed, enable the computer to detect when the first application crashes.

32. An article comprising a medium storing instructions that, if executed, enable a computer to:

in response to a request for video from a first application, initialize a video stream using a video server;

if the first application crashes, maintain access to the video stream for a second application through the video server;

operate a first window in the application for accessing the television server and a second window in the server for accessing a video stack; and

shut down a television capture card when a crash is detected.

33. The article of claim 32 further storing instructions that, if executed, enable a computer to shut down a video stack when a crash is detected.

35. The article of claim 32 further storing instructions that, if executed, enable the computer to detect when the first application crashes.

36. The method of claim 1 including shutting down the video stack when a crash is detected.

37. The article of claim 13 including instructions for enabling the computer to shut down a video stack when a crash is detected.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.